

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has added new claim 14. Therefore, upon entry of this Amendment, Claims 1-14 are all the claims pending in the application. Claims 6-13 are withdrawn from consideration. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-5 are remain rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 1-5 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuzma in view of Mobile Tech News, "Logica first to enable MMS Inter-carrier Messaging", hereafter "Mobile News.

In the Advisory Action dated March 23, 2009, the Examiner asserts:

[T]he claims do not meet the machine or transformation test. A multimedia message service center and a relay server are interpretable as purely software and thus the machine test has not been met. Further, as previously noted, the claims do not present any method claim steps.

By this Amendment, Applicant has amended independent claim 1 to recite that the message is sent by a sender terminal.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/800,670

Attorney Docket No.: Q80358

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Mark E. Wallerson/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Mark E. Wallerson
Registration No. 59,043

Date: April 7, 2009